

LAW OFFICES  
WILLIAMS & CONNOLLY LLP

EDWARD REDDINGTON  
(202) 434-5063  
creddington@wc.com

WASHINGTON, D. C. 20005-5901  
(202) 434-5000  
FAX (202) 434-5029

EDWARD BENNETT WILLIAMS (1920-1988)  
PAUL R. CONNOLLY (1922-1978)

December 16, 2016

Via ECF

Honorable Sarah Netburn  
Thurgood Marshall Courthouse  
United States District Court

Re: Coordinated RMBS Trustee Actions Against HSBC Bank USA, NA, Nos. 14-cv-08175; 14-cv-09366; 14-cv-10101; 15-cv-02144; 15-cv-10032; 15-cv-10096

Dear Judge Netburn:

I write on behalf of HSBC Bank USA, NA (“HSBC”) to apprise the Court of the parties’ efforts regarding deposition scheduling in light of the Court’s November 29, 2016 order.

**Plaintiff Witnesses**

**A. *BlackRock***

On November 30, 2016, HSBC provided counsel for *BlackRock* Plaintiffs with a list of additional individuals HSBC intends to depose and requested to meet and confer. On December 13, the *BlackRock* Plaintiffs offered deposition dates for these individuals. HSBC is considering the proposed dates and will meet and confer with the *BlackRock* Plaintiffs if any of the proposed dates are unworkable. HSBC’s requested list of deponents represents its good faith assessment of individuals that it needs to depose as of this date. HSBC has not requested dates for the full complement of deponents that it is permitted to depose pursuant to the deposition protocol entered by the Court. HSBC expects that in the course of discovery it likely will learn of additional witnesses it will need to depose. HSBC will work with the *Blackrock* Plaintiffs’ counsel to schedule mutually agreeable dates for any such further depositions.

**B. *NCUA***

HSBC provided NCUA with a list of its anticipated witnesses on December 14, 2016. HSBC and NCUA are meeting and conferring regarding scheduling these depositions. HSBC reserves its right to modify this list of anticipated witnesses as discovery progresses.

WILLIAMS & CONNOLLY LLP

Honorable Sarah Netburn  
December 16, 2016  
Page 2

**C. *Royal Park***

HSBC and Royal Park have agreed to assess additional depositions of Royal Park witnesses after the deposition of Royal Park witness Koen Weemaes, which is scheduled for January 12, 2017.

**D. *Phoenix Light***

HSBC and Phoenix Light are meeting and conferring regarding Phoenix Light witness depositions. Because discovery is ongoing, HSBC believes it is premature to notice all remaining depositions at present. The parties have agreed to work cooperatively to schedule depositions as they are noticed.

**E. *Commerzbank***

HSBC and Commerzbank are meeting and conferring regarding Commerzbank witness depositions. Because discovery is ongoing, HSBC believes it is premature to notice all remaining depositions at present. The parties have agreed to work cooperatively to schedule depositions as they are noticed.

**F. *Triaxx***

Because discovery is ongoing and Triaxx has not yet completed its document production, HSBC believes it is premature to notice all remaining depositions at present. The parties have agreed to work cooperatively to schedule depositions as they are noticed.

**HSBC Witnesses**

HSBC has offered dates for all but one of the eleven individuals that Plaintiffs previously identified to HSBC and noticed for deposition. Three of these depositions have already taken place. The one individual for whom HSBC has not proposed a date is Gerard Mattia, the CFO of the Bank. As HSBC informed Plaintiffs, HSBC is coordinating to identify a date for Mr. Mattia and will propose that date to Plaintiffs as soon as possible.

On the evening of December 13, Plaintiffs for the first time requested deposition dates for ten additional individuals, including non-CTLA personnel, former HSBC employees, and former employees of corporate affiliates. In the three days since HSBC received this new list of individuals, HSBC has worked to contact them and has offered dates for three of these individuals.

With respect to the remaining seven individuals, HSBC will continue to work to contact them and, to the extent they are former employees, to determine whether counsel for HSBC is authorized to accept service on their behalf and, if so, what their availability is for deposition. HSBC anticipates that it will be able to offer dates for most of these witnesses in the near future.

WILLIAMS & CONNOLLY LLP

Honorable Sarah Netburn  
December 16, 2016  
Page 3

Finally, with respect to certain of these individuals, particularly former employees of corporate affiliates, HSBC is considering whether to move to quash these depositions. However, as HSBC has informed Plaintiffs, HSBC is willing to meet and confer with Plaintiffs before deciding whether to formally move to quash. HSBC reserves all rights with respect to such motions or to seek other relief as appropriate.

Respectfully submitted,



Edward Reddington

cc: All counsel via ECF